

REMARKS/ARGUMENTS

In an Office Action dated August 26, 2004, it is contended that this application contains claims directed to the following patentably distinct species of the claimed invention:

- A. Binding domains of bivalent binding molecule:
 - 1. Both aptamers (i.e. claims 4, 12, 13, or 16)
 - 2. One aptamer and one non-aptamer (i.e. claims 5, 14, or 15)
- B. Linker as recited in claim 7.
- C. Coupling either at the 5' or 3' end.
- D. Modified or non-modified aptamer as recited in claim 10, for example.
- E. 7TM-GPCR as recited in claim 11.

Applicants respectfully traverse the restriction requirement. MPEP 806.03 states:

Where the claims of an application define the same essential characteristics of a single disclosed embodiment of an invention, restriction therebetween should never be required. This is because the claims are but different definitions of the same disclosed subject matter, varying in breadth or scope of definition.

All of the claims of the application are drawn to bivalent binding molecules comprising two or more binding domains to two or more epitopes of the same 7 transmembrane G-protein-coupled receptor, wherein the binding domains are coupled to each other, as recited in claim 1. Thus, all of the claims define the same essential characteristics of a single disclosed embodiment of the invention. The individual claims of the application "are but different definitions of the same disclosed subject matter, varying in breadth or scope of definition." MPEP 806.03. For example, claim 2 narrows the scope of the disclosed subject matter by reciting that at least one binding domain is an aptamer; claim 3 narrows the scope of claim 2 by reciting that the aptamer is SELEX-derived; claim 4 narrows the scope of the disclosed subject matter by reciting that all the binding domains are aptamers; claim 5 narrows the scope of the disclosed subject matter by reciting that one binding domain is an aptamer and the others are non-aptamers; claim 6 narrows the scope of the disclosed subject matter by reciting that the binding domains are coupled via a linker; claim 7 narrows the scope of claim 6 by listing specific linkers; claims 8 and 9 each

narrow the scope of claim 2 by reciting the relative positions of the binding domains; claim 10 narrows the scope of claim 2 by reciting that the aptamer is modified; and claim 11 narrows the scope of the disclosed subject matter by listing specific 7TM-GPCRs. Similarly, claims 12-16 each narrow the scope of the disclosed subject matter by referring to specific processes for the identification of the bivalent binding molecule.

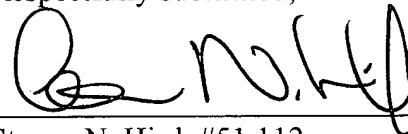
For these reasons, restriction is not appropriate. Applicants respectfully request that the Examiner reconsider and withdraw the restriction requirement. Should the Examiner refuse to withdraw the restriction requirement, Applicants pursuant to 37 C.F.R. § 1.143 hereby provisionally elect a single species wherein at least one binding domain is an aptamer (see claim 2), the linker is polyethylene glycol (see claim 7), the aptamer binding domain is coupled at the 3' end to the other binding domain (see claim 8), the aptamer binding domain is unmodified, and the 7TM-GPCR is the neurotensin_A receptor (see claim 11).

Closing Remarks

If it would be helpful to obtain favorable consideration of this case, the Examiner is encouraged to call and discuss this case with the undersigned.

This constitutes a request for any needed extension of time and an authorization to charge all fees therefore to deposit account No. 19-5117, if not otherwise specifically requested. The undersigned hereby authorizes the charge of any fees created by the filing of this document or any deficiency of fees submitted herewith to be charged to deposit account No. 19-5117.

Respectfully submitted,



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cc: John Harre
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